

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RALPH D. TUCKER,

Petitioner,

v.

CASE NO. 2:24-CV-12488
HON. SUSAN K. DeCLERCQ

PAUL SCHREIBER,

Respondent.

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ORDER GRANTING PETITIONER’S LETTER REQUEST
FOR A NON-PREJUDICIAL DISMISSAL AND
DISMISSING WITHOUT PREJUDICE THE HABEAS PETITION

Michigan prisoner Ralph D. Tucker (“Petitioner”), confined at the Woodland Center Correctional Facility in Whitmore Lake, Michigan, filed a *pro se* habeas petition pursuant to 28 U.S.C. § 2254. Petitioner pleaded no contest to six counts of first-degree criminal sexual conduct (in four cases) in the Wayne County Circuit Court and was sentenced, pursuant to *Cobbs* agreements, to concurrent terms of 15 to 35 years in prison on two of those convictions and 16½ to 35 years in prison on four of those convictions in 2019. In his current petition, he raises claims concerning the effectiveness of trial counsel and the trial court’s denial of his plea withdrawal motion. ECF No. 1. Respondent has not yet filed an answer to the petition or the state court record. Those materials are due on March 24, 2025. ECF

No. 4. The Court recently denied Petitioner's motion to stay the proceedings and hold his petition in abeyance so that he could return to the state courts and exhaust additional claims concerning newly-discovered evidence of perjury at the preliminary examination and the effectiveness of appellate counsel. ECF Nos. 8, 9. The Court's order informed Petitioner that a stay was not warranted, but that he could move for a non-prejudicial dismissal of his habeas petition. ECF No. 9. The matter is now before the Court on Petitioner's letter request seeking such a non-prejudicial dismissal. ECF No. 10.

Having reviewed the matter, the Court concludes that a non-prejudicial of this case is appropriate to allow Petitioner to return to the state courts to exhaust his additional claims. Accordingly, the Court **GRANTS** Petitioner's letter request and **DISMISSES WITHOUT PREJUDICE** the habeas petition. This case is closed and will not be re-opened. Should Petitioner wish to pursue habeas relief upon the conclusion of collateral review in the state courts, he must file a new habeas petition in federal court within the time remaining on the one-year statute of limitations.

IT IS SO ORDERED.

s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: March 19, 2025